

U.S. Department of Justice

*United States Attorney
Southern District of New York*

86 Chambers Street
New York, New York 10007

August 31, 2010

*Sp. ordered
9-3-10
[Signature]*

BY FACSIMILE

Hon. Alvin K. Hellerstein
United States District Court
Southern District of New York
500 Pearl Street, Room 1050
New York, New York 10007-1312

Re: ACLU, et al. v. Department of Defense, et al., No. 04 Civ. 4151 (AKH)

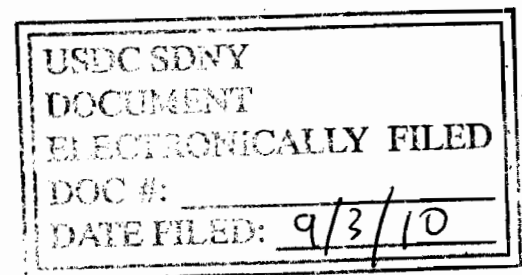
Dear Judge Hellerstein:

We write respectfully to request a stay through September 27, 2010, of the Government's obligation to disclose an intelligence method contained in two memoranda from the Department of Justice Office of Legal Counsel ("OLC"). We have consulted with the ACLU, and it consents to this request.

On December 29, 2009, the Court issued an order with respect to the fourth motion for summary judgment. The Court's order upheld most of the Government's limited redactions to the two OLC memoranda, but required the Government to disclose certain information. On January 15, 2010, plaintiffs filed a motion for reconsideration of the December 29, 2009 order which sought, inter alia, the disclosure of other information withheld from the same two OLC memoranda.

By Order and Opinion filed July 15, 2010, the Court denied the plaintiffs' motion for reconsideration. On August 10, 2010, the Government requested a stay of its disclosure obligation through September 13, 2010, to permit the Government sufficient time to reach a decision regarding whether to appeal the disclosure order. This Court granted the Government's request on August 12, 2010, and accordingly, the Government's disclosure obligation is currently stayed through September 13, 2010.

The Government respectfully requests an additional two-week stay of its disclosure obligation through September 27, 2010, to permit the Government sufficient time to reach a decision regarding whether to appeal the disclosure order. The Government respectfully makes this request due to the vacation schedules of various members of the Department of Justice Civil Division Appellate staff in Washington, D.C., with whom this Office has been consulting regarding the whether to appeal the disclosure order.



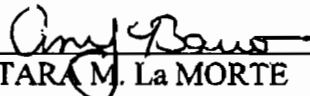
Hon. Alvin K. Hellerstein
August 31, 2010

We thank the Court for its consideration of this request.

Respectfully submitted,

PREET BHARARA
United States Attorney

By:


TARA M. La MORTE
AMY A. BARCELO
Assistant United States Attorneys
Telephone: (212) 637-2737
Facsimile: (212) 637-2686

cc: Alexander A. Abdo, Esq.
Jenny-Brooke Condon, Esq.